

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HERMAN WILLIAMS,

Plaintiff,

v.

LUCIAN TESSMANN, *et al.*,

Case No. 1:23-cv-05945

Hon. Sunil R. Harjani

Hon. Daniel P. McLaughlin

JOINT STATUS REPORT

Plaintiff Herman Williams, by and through his attorneys, Romanucci & Blandin, LLC, and Hart McLaughlin & Eldridge, LLC, and Defendant Lucian Tessmann, by and through his counsel, Ekl Williams Provenzale, LLC; Defendant City of Waukegan, Illinois, by and through its counsel, HeplerBroom, LLC; Defendants Charles Fagan, Dennis Pensala, Richard Davies, Kevin Berrill, as Special Representative for Robert Randall, deceased, Leonard Brezinski, Daniel Colin, Lake County, Illinois, Village of Vernon Hills, Illinois, and John Idleburg, in his official capacity as Sheriff of Lake County, by and through their counsel, The Sotos Law Firm, P.C.; Defendant Lake County Major Crimes Task Force, by and through its counsel, Ancel Glink; Defendants Kimberly Garofalo, as Independent Administrator of Gregory Garofalo, deceased, and Village of Gurnee, by and through their counsel, Schain Banks Kenny & Schwartz, Ltd; Defendants Charles Bell and Village of Libertyville, Illinois, by and through their counsel, Rock Fusco and Connelly, LLC; and Defendant Cook County, Illinois, by and through its counsel, Cook County State's Attorney's Office, submit this report on the discovery progress and the prospects of settlement, in accordance with the Court's order:

Discovery Progress

WRITTEN DISCOVERY

The parties have continued to work on written discovery, including supplemental responses and productions after meet and confer as well as continuing meet and confers regarding party discovery and third-party subpoenas.

FACT DEPOSITIONS

Completed

The parties have been continuing to pursue a heavy fact deposition schedule, with several of the witnesses living out of state.

The parties have now completed 11 fact depositions (which is nine depositions since the last status report on March 24). Several of these depositions have required travel out of state, including four depositions in four states in the last week alone.

Below is a summary of the fact deposition schedule moving forward. Given the deposition schedule, the parties have discussed and have agreed to file an Agreed Motion for 60-Day Extension of the June 2, 2025, fact deposition deadline, for the Court's consideration.

Upcoming Confirmed Depositions

- Nine additional depositions of parties and non-parties are confirmed to proceed on forthcoming dates in April and May as follows (with an asterisk indicating that the deposition is occurring out of state): April 28, April 29, May 1*, May 7*, May 8, May 13, May 19, May 28, May 29.

Served and Awaiting Confirmation of Dates from Defendant or Third-Party Witness

- Plaintiff is awaiting confirmation of dates from Defendants for four additional witnesses (two are represented by Lake County counsel, one represented by Libertyville counsel, and one may be represented by Lake County counsel which is awaiting confirmation).

- Plaintiff has served four third-party witnesses with subpoenas for dates in April and May, for which Plaintiff has not yet received confirmation from those witnesses as to availability on the subpoenaed dates. (Plaintiff has served these as of the last status report, but has not yet been able to make contact to confirm a date with the witnesses. Plaintiff will be continuing those efforts.)
- Defendant Tessmann recently issued subpoenas for two additional depositions in May.
- Today Defendant Lake County issued notice of the intent to subpoena one third party witness.

Additional Depositions Anticipated

Plaintiff intends to issue Rule 30(b)(6) notices to Defendants Lake County Sheriff, Lake County Major Crimes Task Force, and City of Waukegan, to address *Monell* issues primarily. Plaintiff had planned to issue these notices by now, but the deposition and travel schedule along with supplemental briefing on the motion for leave to amend and related probate proceedings has delayed issuance. Plaintiff does not anticipate seeking any other fact witness depositions at this time.

Defendants intend to depose Plaintiff, his relatives, and additional damage witnesses once the parties can reach resolution on the issue of Plaintiff's phone communications while he was in IDOC custody. Plaintiff anticipates moving to quash Defendants' latest phone call subpoena, but must evaluate Defendants' latest email sent yesterday. Defendants are still evaluating the need for additional third-party depositions based on the depositions already scheduled.

Plaintiff's Motion to Reconsider Leave to Amend Complaint

The parties recently completed supplemental briefing requested by the Court on this motion and await decision.

Inspections and Related Items

The parties are working to schedule an inspection of evidence in the possession of the Gurnee Police Department. Relatedly, the parties have scheduled a call for April 30 to agree on protocol for the digitization of certain old media (e.g., tapes) relevant to the case.

Status of Settlement

On March 5, 2025, Plaintiff sent a global settlement demand to Defendants with a proposal of private mediators for a settlement conference. Defendants have continued to talk with one of Plaintiff's counsel regarding the possibility of settlement.

Date: April 24, 2025

HERMAN WILLIAMS

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